



February 27, 2015

To: Executive Board

Subject: **Sole-Source Contract Award – Digital Voice/Data Channels and Base Station Equipment Rental**

Recommendation

Authorize the Executive Director to:

1. Negotiate final terms and conditions and award a sole-source contract in the amount of \$758,220 to Mobile Relay Associates, Inc. (MRA) for digital voice radio frequency channels and base station equipment rental and repeater service for a term of five years including antennas and installation, with an option for five additional years; and
2. Execute an amendment to our existing radio system lease with MRA for analog voice and data radio frequency channels and base station equipment rental and repeater service on a month-to-month basis at the rate of \$5,500 per month.

Analysis

At its October 2005 meeting, the Executive Board awarded a contract to Orbital TMS (now Xerox) to procure the agency's SMARTBus System (SBS). The SBS utilizes global positioning satellite (GPS) technology to monitor and report on the location of our buses, and requires radio frequencies with both voice and data capabilities. MRA had reserved frequencies in anticipation of the Foothill Transit SMARTBus project.

As we undertake the replacement of Foothill Transit's SMARTBus system, staff and Foothill Transit's consultant team have investigated whether there are other opportunities to secure voice and data radio service but no such opportunities exist by which Foothill Transit can ensure uninterrupted radio communication. As such, a sole source procurement of voice and data radio frequency and associated equipment is necessary.

Foothill Transit's procurement procedures allow for sole source procurement only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and at least one of the following circumstances applies:



a. Single Source

The item or services sought is available only from a single source and one of the following conditions described below is present:

- i. **Unique Capability or Availability.** The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to Foothill Transit only from one source and has not in the past been available to Foothill Transit from another source.
- ii. **Patents or Restricted Data Rights.** Patent or data rights restrictions preclude competition.
- iii. **Substantial Duplication Costs.** In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
- iv. **Unacceptable Delay.** In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling Foothill Transit's needs.

b. Unusual and Compelling Urgency

Foothill Transit may limit the number of sources from which it solicits bids or proposals when it has such an unusual and urgent need for the property or services that it would be seriously injured unless it were permitted to limit the solicitation. Foothill Transit may limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the property or services.

Based on the criteria above a sole-source procurement is justified because Mobile Relay Associates (MRA) will continue to provide analog radio service



for the agency's SMARTBus system on a month-to-month basis until the installation of the new digital radios is completed. The extension of the current service contract is critical for continued day-to-day and emergency communications during the installation of the new CAD/AVL system. The offer from MRA to Foothill Transit includes 345 digital mobile radios, 24 portable radios, and 12 dispatch control stations at no cost. Were Foothill Transit to purchase these radios separately, the current unit costs are \$727 for each portable unit and \$684 for each mobile unit. Foothill Transit's cost includes the purchase of new antennas and installation for the new radios at a cost of \$64,770. In addition to providing data radio communication, the new digital mobile radios will provide a redundant voice communication system for the new CAD/AVL system. Reliable voice and radio communication is essential to the safe operation of the transit system, and it is critical to the success of Foothill Transit's CAD/AVL system replacement that compatibility and continuity with our current radio system not be compromised.

Budget Impact

Foothill Transit's approved FY 2014/2015 Budget and Business Plan includes adequate funding for the procurement of these services. Funding for these services in future years will be programmed into each year's annual Business Plan and Budget.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald Luey".

Donald Luey
Director of Information Technology

A handwritten signature in blue ink, appearing to read "Doran J. Barnes".

Doran J. Barnes
Executive Director